



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1179/P1
PJH:jld:jm

DOA:.....Ley, BB0417 – Transfer of the Office of State Prosecutor

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

This bill transfers, from DOA to DOJ, the state prosecutor office, which provides administrative and legal support to district attorneys statewide.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 978.11 of the statutes is amended to read:

978.11 Budget. The department of ~~administration~~ justice shall prepare the budget of the prosecution system and submit it in accordance with s. 16.42.

SECTION 9101. Nonstatutory provisions; Administration.

(1) TRANSFER OF STATE PROSECUTORS OFFICE.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of administration that are primarily related to the state prosecutors office, as determined by the secretary of administration, become the assets and liabilities of the department of justice.

(b) *Employee transfers.* On the effective date of this paragraph, all positions, and the incumbent employees holding those positions, in the department of administration with duties that are primarily related to the state prosecutors office, as determined by the secretary of administration, are transferred to the department of justice.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of justice that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration that is primarily related to the state prosecutors office, as determined by the secretary of administration, is transferred to the department of justice.

(e) *Contracts.* All contracts entered into by the department of administration that are primarily related to the state prosecutors office, as determined by the secretary of administration, in effect on the effective date of this paragraph, remain in effect and are transferred to the department of justice. The department of justice shall carry out any such contractual obligations unless modified or rescinded by the department of justice to the extent allowed under the contract.

(f) *Pending matters.* Any matter pending with the department of administration that is primarily related to the state prosecutors office, as determined by the secretary of administration, on the effective date of this paragraph, is transferred to the department of justice, and all materials submitted to or actions taken by the department of administration, with respect to the pending matter are considered as having been submitted to or taken by the department of justice.

(g) *Rules and orders.* All rules promulgated for the department of administration that are primarily related to the state prosecutors office, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of justice.

(END)